IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4527 OF 2005

The State of Maharashtra. ... Applicant.
Versus.
Yogesh Shyamrao Patharwat & anr. ... Respondents.

Ms.M.H.Mhatre A.P.P. for the Applicant.

CORAM : ABHAY S. OKA, J.

DATED : 25th July, 2005.

P.C.:

1. Heard the learned A.P.P. for the State. This is an application for cancellation of bail granted by the learned Additional Sessions Judge in favour of the Respondents.

2. The learned Additional Sessions Judge after perusal of the case diary noted that the the allegation of the prosecution is that the Respondents Nos.1 and 2, co-accused Sunita and the remaining accused who are assailants of the deceased entered into a criminal conspiracy. The learned Judge noted that there is no material at all in support of the said case in so far as the Respondents are concerned. The learned Sessions Judge observed that The only allegation of the prosecution which can be substantiated on the basis of the material is that after the assault the assailants ran away by sitting in the autorickshaw of the Respondent No.1 and the Respondent No.2 is the brother

of Respondent No.1. To ensure that the Respondents Nos.1 and 2 do not abscond, the bail amount has been fixed at Rs.40,000/-.

3. After having heard the learned A.P.P. for the State, I find that there is no ground for cancellation of the bail. The Application is rejected.

Judge.